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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,568	09/29/2003	Ola Olofsson	TPP 30887A	4273

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,568	<b>Applicant(s)</b> OLOFSSON, OLA	
	<b>Examiner</b> Victor MacArthur	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claims 6, 17, 20, 25 and 26 are objected to because of the following informalities:

- Claim 6 has numerous problems with antecedent basis, double inclusion and inconsistency that should be fixed as follows:
  - Replace “two” (line 1) with --first and second--.
  - Replace “a second” (line 6) with --the second--.
  - Replace “the upper” (line 8) with --an upper--.
  - Replace “the lower” (line 9) with --a lower--.
  - Replace “the guiding wedges comprise” (line 20) with --the at least one wedge comprises--.
  - Replace “an adjacent” (line 22) with --the other--.
  - Replace “a groove” (line 23) with --the groove--.
- Claim 17 is similar to claim 6 and should be similarly amended. Furthermore:
  - Replace “tongue” (line 11 of claim 17) with --tenon--.
- Claim 20, which depends from claim 18, is a double inclusion of limitations previously recited in claim 18. Claim 20 recites no new limitations and should be canceled.
- Claim 25, which depends from claim 6, is a double inclusion of limitations previously recited in claim 6 (last paragraph of claim 6). Claim 25 recites no new limitations and should be canceled.

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- Claim 26, which depends from claim 17, is a double inclusion of limitations previously recited in claim 17 (last paragraph of claim 17). Claim 26 recites no new limitations and should be canceled.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 12-18, 20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGath (U.S. Patent 5,344,700).

Claim 6. McGath discloses (fig.3) a joint between first and second boards (24a, 24a'), the joint comprising: a guiding means (tenon and groove) at a joint between the two boards; the boards each comprising an upper surface (42a, 43) and a core (41); the guiding means on at least one (24a') of the boards comprising a groove (56); the second board (24a) comprising a tenon (57); the tenon and the groove includes a first fitting clearance (between tip of 57 and 56) bound by an upper surface of the tenon and an upper surface of the groove; and, wherein at least the **tenon** includes a guiding wedge (58) so that a second, guiding fitting clearance (between 58 and 48) is positioned between the guiding wedge and the upper surface of the **groove**, whereby the first fitting clearance comprises a main part of a fit between the groove and tenon and the second

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guiding fitting clearance comprises a smaller part of the fit, provided that the first fitting clearance is larger than the second fitting clearance, wherein each of the boards further comprises a planar surface (planar contacting surfaces as seen in fig.4), and wherein the at least one guiding wedge comprises a distal tapered section (tapered section of 58 forming clearance) and a proximal section (section to left of 58 forming clearance) extending from the tapered section towards the core (core of 24a), and the planar surface of the at least one of the boards abuts a planar surface of the other adjacent board when the tenon of the board is mated with a groove of the adjacent board. It appears that the first fitting clearance is in the range of 0.1-1mm, while the second, guiding fitting clearance is in the range of 0.01-.2mm. However, McGath does not expressly disclose these dimensions. It has generally been recognized that the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to optimize the clearances of McGath such that the first fitting clearance is in the range of 0.1-1mm, while the second, guiding fitting clearance is in the range of 0.01-.2mm, since such practice is a design consideration within the skill of the art.

Claim 7. McGath discloses that the surfaces of the joint formed by the connection between the groove and tenon are provided with recesses (60, 62) so that cavities (cavities receiving 66, 66a) are formed in the joint. Claim 12. Wilson discloses that the second guiding fitting clearance is proximate the board with respect to the first fitting clearance.

Claim 12. McGath discloses that the second guiding fitting clearance is proximate the board with respect to the first fitting clearance.

Claim 13. McGath discloses that the guiding wedges are arranged perpendicular to the extension of the joint.

Claim 14. McGath discloses that the first fitting clearance is formed between parallel surfaces of the tenon and groove.

Claim 15. McGath discloses (figs.3-5) a floor (col.11, ll.27-30) comprising: a first board (24a) in accordance with claim 6; a second board (24a'), joined to the first board at a joint; and glue (col.1, ll.26-28) disposed in the joint.

Claim 16. McGath discloses (col.11, ll.27-30) that the cavities are filled with glue.

Claim 17. McGath discloses (fig.3) a joint between first and second boards (24a, 24a'), the joint comprising: a guiding means (tenon and groove) at a joint between the two boards; the boards each comprising an upper surface (42a, 43) and a core (41); the guiding means on at least one (24a') of the boards comprising a groove (56); the second board (24a) comprising a tenon (57); the tenon and the groove includes a first fitting clearance (between tip of 57 and 56) bound by an upper surface of the tenon and an upper surface of the groove; and, wherein at least the groove includes a guiding wedge (58) so that a second, guiding fitting clearance (between 58 and 48) is positioned between the guiding wedge and the upper surface of the tenon, whereby the first fitting clearance comprises a main part of a fit between the groove and tenon and the second guiding fitting clearance comprises a smaller part of the fit, provided that the first fitting clearance is larger than the second fitting clearance, wherein each of the boards further comprises a planar surface (planar contacting surfaces as seen in fig.4), and wherein the at least one guiding wedge comprises a distal tapered section (tapered section of 58 forming clearance) and a proximal section (section to left of 58 forming clearance) extending from the tapered

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section towards the core (core of 24a), and the planar surface of the at least one of the boards abuts a planar surface of the other adjacent board when the tenon of the board is mated with a groove of the adjacent board. It appears that the first fitting clearance is in the range of 0.1-1mm, while the second, guiding fitting clearance is in the range of 0.01-.2mm. However, McGath does not expressly disclose these dimensions. It has generally been recognized that the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to optimize the clearances of McGath such that the first fitting clearance is in the range of 0.1-1mm, while the second, guiding fitting clearance is in the range of 0.01-.2mm, since such practice is a design consideration within the skill of the art.

Claim 18. McGath discloses that the surfaces of the joint formed by the connection between the groove and tenon are provided with recesses (60, 62) so that cavities (cavities receiving 66, 66a) are formed in the joint.

Claim 20. McGath discloses that the surfaces of the joint formed by the connection between the groove and tenon are provided with recesses (60, 62) so that cavities (cavities receiving 66, 66a) are formed in the joint.

Claim 23. McGath discloses that the second guiding fitting clearance is proximate the board with respect to the first fitting clearance.

Claim 24. McGath discloses that the guiding wedges are arranged perpendicular to the extension of the joint.

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Claim 25. McGath discloses that the proximal section extends from the tapered section to the core.

Claim 26. McGath discloses that the proximal section extends from the tapered section to the core

Claims 8, 9, 10, 11, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGath (U.S. Patent 5,344,700) in view of Martennson (U.S. Patent 6,101,778).

Claims 8, 10, 11, 19, 21 and 22. McGath discloses that the boards are to be joined together to form a floor (col.11, ll.27-30). Wilson does not disclose particleboard covered in decorative thermosetting laminate. Martennson teaches (col.3, ll15-25) that particleboard covered in thermosetting laminate is preferable for constructing floor boards since such construction is non-water- absorbing. Furthermore, it is well known that particleboard covered in thermosetting laminate is very economical. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the McGath boards to be particle board covered in thermosetting laminate, for the purpose of being non-water-absorbing and increasing economy.

Claim 9. McGath discloses that the surfaces of the joint formed by the connection between the groove and tenon are provided with recesses (60, 62) so that cavities (cavities receiving 66, 66a) are formed in the joint.



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***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Applicant's amendment (e.g. the newly added limitation "said tenon and the groove includes... surface of the groove" in lines 7-9 of claim 6) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

*VLM*

VLM

July 10, 2005



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